

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOEL GREENFELD
on behalf of himself and
all other similarly situated consumers

Plaintiff,

-against-

ALLIANCE ONE RECEIVABLES MANAGEMENT, INC.

Defendant.

CLASS ACTION COMPLAINT

Introduction

1. Plaintiff Joel Greenfeld seeks redress for the illegal practices of Alliance One Receivables Management, Inc. concerning the collection of debts, in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA").

Parties

2. Plaintiff is a citizen of the State of New York who resides within this District.
3. Plaintiff is a consumer as that term is defined by Section 1692(a)(3) of the FDCPA, in that the alleged debt that Defendant sought to collect from Plaintiff a consumer debt.
4. Upon information and belief, Defendant's principal place of business is located in Trevoze, Pennsylvania.
5. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

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U.S. DISTRICT COURT
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13 CV 1801

JUDGE SAUNDERS

6. Defendant is a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692(a)(6).

Jurisdiction and Venue

7. This Court has federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
8. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), as the acts and transactions that give rise to this action occurred, in substantial part, in this district.

Allegations Particular to Joel Greenfeld

9. Upon information and belief, on a date better known by Defendant, Defendant began to attempt to collect an alleged consumer debt from the Plaintiff.
10. On or about December 5, 2012, Defendant sent the Plaintiff a collection letter seeking to collect a balance allegedly incurred for personal purposes.
11. Upon receipt of the said letter, Plaintiff sent the Defendant a letter via USPS Certified Mail on or about December 18, 2012 disputing the alleged debt.
12. Defendant ignored the said dispute letter and sent the Plaintiff a further collection letter on or about December 31, 2012 seeking to collect the said debt.
13. Defendant violated 15 U.S.C. §§ 1692e, 1692e(8), 1692e(10) and 1692g for the failure to communicate that a disputed debt is disputed and for sending an additional letter without having verified the debt.
14. In addition, Defendant’s said December 31, 2012 letter stated in pertinent part as follows: “As of the date of this letter, you owe \$7953.12. Your account balance may be

periodically increased due to the addition of accrued interest or other charges if so provided in your agreement with your original creditor.”

15. Upon information and belief, said language threatens “other charges” of which the Defendant does not engage, though it does charge interest fees.
16. Defendant’s letter is in violation of 15 U.S.C. §§ 1692e(5) and 1692e(10) for engaging in deceptive practices.

AS AND FOR A FIRST CAUSE OF ACTION

Violations of the Fair Debt Collection Practices Act brought by Plaintiff on behalf of himself and the members of a class, as against the Defendant.

17. Plaintiff re-states, re-alleges, and incorporates herein by reference, paragraphs one (1) through sixteen (16) as if set forth fully in this cause of action.
18. This cause of action is brought on behalf of Plaintiff and the members of two classes.
19. Class A consists of all persons whom Defendant’s records reflect resided in the State of New York and who were sent a collection letters; (a) bearing the Defendant’s letterhead in substantially the same form as the letters sent to the Plaintiff, sent within one year prior to the date of the within complaint; (b) the collection letters were sent to a consumer seeking payment of a consumer debt purportedly owed to CitiBank, N.A.; and (c) the collection letters were not returned by the postal service as undelivered; and (d) that the Defendant violated 15 U.S.C. §§ 1692e, 1692e(8), 1692e(10) and 1692g for the failure to communicate that a disputed debt is disputed.
20. Class B consists of all persons whom Defendant’s records reflect resided in the State of New York and who were sent a collection letter in substantially the same form letter as the letter sent to the Plaintiff on or about December 31, 2012; and (a) the collection

letter was sent to a consumer seeking payment of a personal debt purportedly owed to CitiBank, N.A.; and (b) the collection letter was not returned by the postal service as undelivered; (c) and the Plaintiff asserts that the letter contained violations of 15 U.S.C. §§ 1692e(5) and 1692e(10) for false threats of deceptive actions.

21. Pursuant to Federal Rule of Civil Procedure 23, a class action is appropriate and preferable in this case because:
- (A) Based on the fact that form collection letters are at the heart of this litigation, the class is so numerous that joinder of all members is impracticable.
 - (B) There are questions of law and fact common to the class and these questions predominate over any questions affecting only individual class members. The principal question presented by this claim is whether the Defendant violated the FDCPA.
 - (C) The only individual issue is the identification of the consumers who received such collection letters, (*i.e.* the class members), a matter capable of ministerial determination from the records of Defendant.
 - (D) The claims of the Plaintiff are typical of those of the class members. All are based on the same facts and legal theories.
 - (E) The Plaintiff will fairly and adequately represent the class members' interests. The Plaintiff has retained counsel experienced in bringing class actions and collection-abuse claims. The Plaintiff's interests are consistent with those of the members of the class.
22. A class action is superior for the fair and efficient adjudication of the class members' claims. Congress specifically envisions class actions as a principal means of enforcing

the FDCPA, 15 U.S.C. § 1692(k). The members of the class are generally unsophisticated individuals, whose rights will not be vindicated in the absence of a class action. Prosecution of separate actions by individual members of the classes would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties and would not be in the interest of judicial economy.

23. If the facts are discovered to be appropriate, the Plaintiff will seek to certify a class pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure.
24. Collection attempts, such as those made by the Defendant are to be evaluated by the objective standard of the hypothetical “least sophisticated consumer.”

Violations of the Fair Debt Collection Practices Act

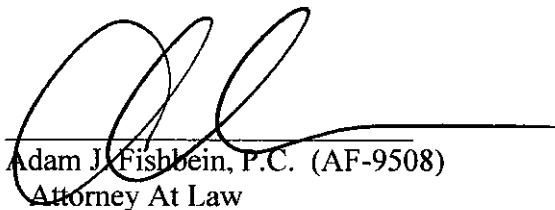
25. The Defendant’s actions as set forth above in the within complaint violates the Fair Debt Collection Practices Act.
26. Because the Defendant violated of the Fair Debt Collection Practices Act, the Plaintiff and the members of the class are entitled to damages in accordance with the Fair Debt Collection Practices Act.

WHEREFORE, Plaintiff, respectfully requests that this Court enter judgment in his favor and against the Defendant and award damages as follows:

- (a) Statutory and actual damages provided under the FDCPA, 15 U.S.C. § 1692(k);
- (b) Attorney fees, litigation expenses and costs incurred in bringing this action; and

- (c) Any other relief that this Court deems appropriate and just under the Circumstances.

Dated: Cedarhurst, New York
March 14, 2013

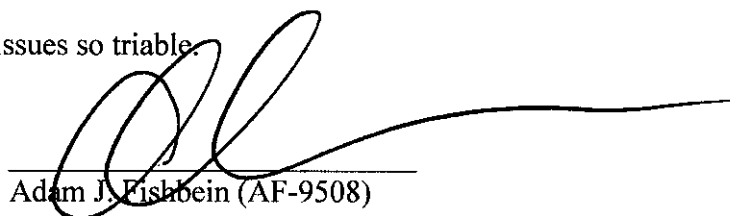


Adam J. Fishbein, P.C. (AF-9508)
Attorney At Law

Attorney for the Plaintiff

483 Chestnut Street
Cedarhurst, New York 11516
Telephone (516) 791-4400
Facsimile (516) 791-4411

Plaintiff requests trial by jury on all issues so triable.



Adam J. Fishbein (AF-9508)

↑ Please send all correspondence to the above address

Name: JOEL GREENFELD
Account Number: 24112873 PIN: NA
Client Reference Number: XXXXXXXXXXXXX0227
Client: CITIBANK, N.A.

Sincerely,
Curtis Stanley
New York City Department of Consumer Affairs license number is 1265901.

~~✂ Detach Bottom Portion And Return With Payment ✂~~

↑ Mail return address only; send no letters

AllianceOne
Recreation Management, Inc.

Regarding		
CITIBANK, N.A.		
Client Reference Number	Balance	Amount Enclosed
XXXXXXXXXXXX0227	\$7953.12	\$

↓ Please make check or money order payable to:

CITICORP CREDIT SERVICES, INC (USA)
ALLIANCEONE RECEIVABLES MANAGEMENT INC.
PO BOX 3107
SOUTHEASTERN PA 19398-3107

S-ONAMFC10 L-3004 A-24112873 O-CB6
P2D0J500404299 104302

JOEL GREENFELD
5 SASEV CT UNIT 102
MONROE NY 10950-5930

CB6 XXXXXXXXXXXX0227 24112873 5 00000000 0000795312 0000000000 2

December 18, 2012

From:

Joel Greenfeld
4 Taitech Ct. # 301
Monroe, NY 10950-5930

To:

ALLIANCEONE RECEIVABLES MANAGEMENT, INC.
4850 Street Road, Suite 300
Trevose, PA, 19053

RE: Account # 24112873

Dear Curtis Stanley:

This letter is lawful notification to ALLIANCEONE RECEIVABLES MANAGEMENT, INC. that Joel Greenfeld CONDITIONALLY ACCEPTS YOUR CLAIM UPON BONA FIDE PROOF that your claim is lawful and valid.

Please take lawful notice that in order to effect this BONA FIDE PROOF, ALLIANCEONE RECEIVABLES MANAGEMENT, INC. via a legally authorized representative is lawfully required and hereby demanded to respond point by point in Truth, Fact, and Evidence to each and every item set forth in this correspondence before he or his Authorized Representative can make an offer to settle ALLIANCEONE RECEIVABLES MANAGEMENT, INC.'s alleged claim in this matter.

Please provide the following:

1. A copy of the contract that binds myself, a Natural Person, and ALLIANCEONE RECEIVABLES MANAGEMENT, INC.
2. PROOF OF CLAIM via certified, notarized, specific, and relevant documents that ALLIANCEONE RECEIVABLES MANAGEMENT, INC.:
 - a. Has any contract or agreement which lawfully compels this Natural Person to accept and/or respond to any communications from ALLIANCEONE RECEIVABLES MANAGEMENT, INC.
 - b. Is a lawful and valid party in interest in this matter.
 - c. Is not an unrelated third party.
 - d. Is not an unrelated third party debt collector.
 - e. Did not purchase this alleged debt for an agreed upon cost from an alleged other COMPANY, CORPORATION, or Party.
 - f. Is not acting on its own behalf and/or interests in this instant matter.
 - g. When and how did you get my permission to obtain my consumer credit report.

Please have your legally authorized representative respond via signed affidavit, under penalty of perjury, and enclose copies of all relevant documents that demonstrate BONA FIDE PROOF OF YOUR CLAIM within 10 days of receipt of this letter, via certified mail.

This is not a request for verification or proof of my mailing address, but a request for VALIDATION made pursuant to the above named Title and Section.

If your offices fail to respond to this validation request within 10 days from the date of your receipt, all references to this account must be deleted and completely removed from all of my 3 consumer credit report files Experian, Trans Union, Equifax, and a copy of such deletion request shall be sent to me immediately.

Under the "Fair Debt Collections Practices Act" as codified at 15 U.S.C. § 1692, which stipulates that a debt collector must, if requested, provide validation of the alleged debt, i.e. validate the debt. The debt collector is mandated under "FDCPA" to cease and desist ALL collection activity until validation of the original note is provided.

Your failure to provide a lawfully valid response within 10 days, as stipulated, is ALLIANCEONE RECEIVABLES MANAGEMENT, INC. and their representatives admission to the fact that you have no BONA FIDE PROOF OF CLAIM in this instant matter which is your lawful, legal and binding agreement with and admission to this fact as true, correct, legal, lawful and binding upon you, in any court, anywhere in America, without your protest or objection or that of those who represent you. Your silence is your acquiescence.

Dated: December 18, 2012

All Rights Reserved,
Respectfully submitted,

By: _____
Joel Greenfeld, American Citizen
Authorized Representative
4 Taitech Ct. # 301
Monroe, NY 10950-5930

Sent by Certified US Mail # 7012 1010 0003 5809 0188

U.S. Postal Service TM		
CERTIFIED MAIL TM RECEIPT		
(Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com .		
OFFICIAL USE		
FEASTERVILLE TREVISE PA 19053		
Postage	\$ 0.45	0063 10 Postmark Here
Certified Fee	\$2.95	
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.40	12/18/2012
Sent To		
Street, Apt. No., or PO Box No.		
City, State, ZIP+4		
TREVISE PA 19053		

AllianceOne

Receivables Management, Inc.

4850 Street Rd. Suite 300
Trevose PA 19053

↑ Please send all correspondence to the above address.

Telephone: 866-672-3308

December 31, 2012

Name: JOEL GREENFELD

Account Number: 24112873 PIN: NA

Client Reference Number: XXXXXXXXXXXX0227

Client: CITIBANK, N.A.

We are notifying you of the balance of your account(s) as you requested. We hope to resolve this matter soon.

By sending us a check or giving us your checking account information for payment, you authorize AllianceOne to collect funds electronically for the agreed dates and amounts, in which case your check may not be returned to you. We can also arrange for a direct debit from your checking account.

As of the date of this letter, you owe \$7953.12. Your account balance may be periodically increased due to the addition of accrued interest or other charges if so provided in your agreement with your original creditor.

Our client, CITIBANK, N.A., indicates that this matter pertains to your CITI MASTERCARD account. All further communication should be directed to this office.

This communication is from a debt collector. This is an attempt to collect a debt, and any information obtained will be used for that purpose.

Sincerely,
Curtis Stanley
New York City Department of Consumer Affairs license number is 1265901.

✂ Detach Bottom Portion And Return With Payment ✂

PO BOX 510987
LIVONIA MI 48151-8987
RETURN SERVICE REQUESTED



↑ Mail return address only; send no letters

To contact us regarding your account, call:
866-672-3306

AllianceOne
Receivables Management, Inc.

Regarding		
CITIBANK, N.A.		
Client Reference Number	Balance	Amount Enclosed
XXXXXXXXXXXX0227	\$7953.12	\$



JOEL GREENFELD
4 TATICH CT UNIT 301
MONROE NY 10950-2193

↓ Please make check or money order payable to:

CITICORP CREDIT SERVICES, INC (USA)
ALLIANCEONE RECEIVABLES MANAGEMENT INC
PO BOX 3107
SOUTHEASTERN PA 19398-3107